

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NSIGHT, INC.,

Plaintiff,

vs.

PEOPLESOFT, INC.,

Defendant.

No. 3:04 CV 3836 MMC (MEJ)

**ORDER RE PLAINTIFF'S REQUEST  
FOR DOCUMENTS**

The Court is in receipt of the parties' Joint Meet and Confer Letter Regarding nSight's Document Requests (Letter No. 4 of 4), filed May 9, 2006. Doc. #123. In the letter, plaintiff nSight, Inc. seeks an order compelling defendant Oracle USA, Inc. to either produce documents in response to its August 26, 2005 request for documents, or to serve a declaration attesting that the requested documents do not exist. In response, Oracle argues that it has produced the documents in its possession, but is unable to produce other documents that were not maintained. Upon review of the parties' arguments, the Court hereby ORDERS as follows: Oracle shall serve on nSight a declaration (1) attesting that it has produced all non-privileged documents within its possession, custody, or control; and (2) confirming that it conducted a diligent search of *all* locations at which such materials might plausibly exist. Oracle shall serve its declaration within ten days from the date of this Order. Oracle is hereby precluded from using as evidence any non-privileged documents it did not produce in response to nSight's production request.

**IT IS SO ORDERED.**

Dated: May 11, 2006

  
\_\_\_\_\_  
MARIA-ELENA JAMES  
United States Magistrate Judge